

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YOUNG AMERICA'S FOUNDATION;
BINGHAMTON UNIVERSITY
COLLEGE REPUBLICANS; and REIN
BEY, in her official capacity as President of the
College Republicans of Binghamton
University,

Plaintiffs,

v.

HARVEY STENGER, President of
SUNY-Binghamton, in his official and
individual capacities; BRIAN ROSE, Vice
President for Student Affairs of SUNY-
Binghamton, in his official and individual
capacities; JOHN PELLETIER, Chief of
SUNY-Binghamton UPD, in his official
and individual capacities; and STUDENT
ASSOCIATION OF BINGHAMTON
UNIVERSITY,

Defendants.

**NOTICE OF DEFENDANT
PELLETIER'S MOTION FOR
SUMMARY JUDGMENT PURSUANT
TO FRCP 56**

Case No.: 3:20-cv-822-LEK/TWD

PLEASE TAKE NOTICE that a motion will be and hereby is made for the relief
requested herein.

MOTION MADE BY: Defendant John Pelletier, former Chief of SUNY-
Binghamton UPD, in his official and individual capacities.

ORAL ARGUMENT: Defendant requests oral argument. This action raises
constitutional free speech issues of importance to a SUNY
university and to the university actors who have been sued
not just in their official capacities but also in their
individual capacities. There is also the need to inform the
Court of the recently occurring event of plaintiff Rein Bey
no longer having standing to sue because she is no longer
a Binghamton University student or president of College
Republicans.

**RELIEF DEMANDED AND
GROUNDS THEREFOR:**

Pursuant to Fed. R. Civ. Proc. 56, defendant seeks summary judgment against plaintiffs and an order dismissing the amended complaint on the grounds that there are no genuine issues of material fact and defendant is entitled to judgment as a matter of law. The grounds for the motion are that defendant Pelletier is not liable in his individual or official capacities; he did not violate plaintiffs' constitutional rights; he is entitled to qualified immunity; the request for punitive damages should be stricken; the request for injunctive relief should be stricken; and plaintiff Rein Bey does not have standing to sue.

SUPPORTING PAPERS:

This notice of motion, Molly M. Ryan Esq.'s declaration with supporting exhibits, Joseph T. Gallagher's and Amanda L. Finch's declarations that are included amongst the exhibits, the statement of material facts, the memorandum of law, and the proceedings and docket in this action. Defendant intends to file and serve reply papers.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, shall be served in accordance with Local Rule 7.1 and the Federal Rules of Civil Procedure.

DATED: May 31, 2024

GOLDBERG SEGALLA LLP

/s/ Molly M. Ryan

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